

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 IO-13 PM-04 OES-07 ACDA-07

FEA-01 CIAE-00 INR-07 NSAE-00 NSC-05 EB-07 NRC-05

DODE-00 SS-15 SP-02 /089 W

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R 240859Z JUN 77

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 2254

INFO USERDA HQ WASHDC

USERDA HQ GERMANTOWN

C O N F I D E N T I A L SECTION 1 OF 2 VIENNA 5079

USIAEA

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: ENRG, TECH, PARM, IAEA

SUBJECT: DRAFT CONVENTION ON PHYSICAL PROTECTION: FURTHER
CONSULTATIONS ON PROCEDURE

REF: A) STATE 137206, B) VIENNA A-271, C) IAEA VIENNA 4528

SUMMARY: INFORMAL MEETING BETWEEN REPS OF SEVEN ORIGINAL
SUPPLIER STATES AND MEMBERS OF SECRETARIAT PRODUCED
CONSENSUS (A) THAT DIPLOMATIC CONFERENCE WAS NOT
REQUIRED TO EFFECT ADOPTION OF DRAFT CONVENTION (B) THAT
FINAL FORUM FOR ACTION ON CONVENTION SHOULD BE GEN. CONF.
WHICH MEETS SEPT 1978. END SUMMARY

1. IN ACCORDANCE WITH SCENARIO AGREED ON EARLIER BY HIM,
DIR GEN, IN HIS STATEMENT TO JUNE MEETING OF BOARD OF
GOVERNORS, INCLUDED FOLLOWING REMARKS ON AGENCY'S
ACTIVITIES IN FIELD OF PHYSICAL PROTECTION: QUOTE
SEVERAL MEMBER STATES HAVE EXPRESSED THE WISH TO SEE
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THE AGENCY PLAYING AN ACTIVE ROLE IN THE FIELD OF PHYSICAL
PROTECTION OF NUCLEAR MATERIALS AND FACILITIES. TO COMPLY
WITH THESE WISHES THE SECRETARIAT CONVENED LAST MARCH AN
ADVISORY GROUP TO FORMULATE A DETAILED PROGRAMME IN
THIS FIELD. AS A RESULT, THE TEXT OF THE AGENCY'S
RECOMMENDATIONS FOR PHYSICAL PROTECTION OF NUCLEAR MATERIALS
WAS MODIFIED, AND A REVISED PUBLICATION WAS ISSUED

YESTERDAY UNDER REFERENCE INFCIRC/225/REV.1. IN ADDITION, AND ALONG THE LINES PROPOSED BY EXPERTS, THE TEXT OF A INNER QUOTE DRAFT CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR FACILITIES, MATERIAL AND TRANSPORTS INNER UNQUOTE WAS PREPARED BY A MEMBER STATE AND AT THAT STATE'S REQUEST IT IS BEING CIRCULATED BY THE AGENCY TO ALL MEMBER STATES FOR COMMENTS. ON THE BASIS OF THE COMMENTS RECEIVED, THE SECRETARIAT WILL DECIDE, IN CONSULTATION WITH MEMBER STATES, WHETHER TO PROCEED WITH THE PREPARATION FO SUCH CONVENTION. UNQUOTE AS REPORTED REF B, TEXT OF US DRAFT, WITH ANNOTATIONS, WAS TRANSMITTED TO ALL MEMBERS JUNE 16 UNDER COVER OF CIRULAR LETTER FROM DG INVITING COMMENTS QUOTE PREFERABLY BY AUGUST 1 UNQUOTE ON DRAFT SUBMITTED BY QUOTE A MEMBER STATE UNQUOTE.

2. NEWLY-ARRIDVED DIRECTOR OF LEGAL DIVISION (EDWARDS - UK), WHO HAS BEEN GIVEN AUTHORITY FOR COORDINATION OF AGENCY ACTIVITY IN CONVENTION EFFORT. INVITED REPS OF SEVEN ORIGINAL QUOTE SUPPLIER STATES UNQUOTE TO INFORMAL MEETING JUNE 22 FOR PURPOSE OF EXHANGING VIEWS ON HOW SECRETARIATMIGHT BEST PROCEED ALONG COURSE AIMED AT ADOPTION OF A PHYSICAL PROTECTION CONVENTION. ON QUERY FROM EDWARDS, NON-U.S. REPS PRESENT STATED THAT THEY HAD RECEIVED NO COMMENTS ON U.S. DRAFT THEY HAD FORWARDED TO CAPITALS A MONTH AGO. PROCEDURAL DISCUSSION WHICH FOLLOWED, LASTING AN HOUR, CONFIDENTIAL

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WAS THEREFORE BASED ON ASSUMPTION THAT NONE OF THE SIX GOVERNMENTS WOULD HAVE SERIOUS PROBLEMS WITH SUBSTANCE OF TEXT.

3. FOLLOWING EDWARDS' OPENING DISCUSSION OF VARIOUS OPTIONS AVAILABLE, INCLUDING CONVENING OF DIPLOMATIC CONFERENCE TO ADOPT DRAFT CONVENTION, CONSENSUS RAPIDLY EMERGED THAT DIPLOMATIC CONFERENCE WAS NEITHER DESIRABLE NOR NECESSARY; THAT MOST APPROPRIATE FINAL INTERNATIONAL FORUM TO CONSIDER TEXT WOULD BE IAEA GENERAL CONFERENCE.

4. IT WAS THEN GENERALLY AGREED THAT IN VIEW OF LATE CIRCULATION OF U.S. TEXT, IT WOULD BE UNREALISTIC TO EXPECT CONSULTANTS GROUP TO BE ABLE IN AUGUST TO CONSDIER BOTH U.S. DRAFT AND MEMBER STATE COMMENTS, LET ALONE TO LOOK FOR DEFINITIVE ACTION ON PART OF 1977 GENERAL CONFERENCE. IT WAS FEELING OF GROUP THAT MOST APPROPRIATE TIME FOR GENERAL CONFERENCE ACTION WOULD

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C O N F I D E N T I A L SECTION 2 OF 2 VIENNA 5079

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BE SEPTEMBER 1978, (AS DEPT HAD CONCLUDED REF A.).

5. SCENARIO THEN INFORMALLY AGREED UPON BY LOCALHREPS
AND WHICH MISSION COMMENDS TO DEPT, WAS AS FOLLOWS:

(A) RESOLUTION TO BE INTRODUCED AT 1977 GEN. CONF. APPROVING
AGENCY'S PAST ACTIVITIES THIS FIELD, NOTING WITH INTEREST
DRAFT TEXT CIRCULATED BY DG, URGING DG TO CONTINUE EFFORTS TO
FINALIZE A DRAFT AND REPORT BACK TO 1978 GEN. CONF;
(B) CONVENING OF A CONSULTANTS MEETING OF LEGAL/TECHNICAL
EXPERTS IN FALL OF 1977 TO ADDRESS U.S. DRAFT AND COMMENTS
RECEIVED, INVITATION WOULD BE EXTENDED TO ALL MEMBER
STATES TO PROVIDE EXPERTS ON COST-FREE BASIS, THUS
LIMITING COSTS TO AGENCY AND AT SAME TIME LIMITING SIZE
OF MEETING TO THOSE STATES HAVING GENUINE INTEREST AND
CONTRIBUTION TO MAKE (PEN ADVISORY GROUP ATTRACTED ABOUT
35 PARTICIPANTS). DEPENDING ON OUTCOME OF INITIAL
CONSULTANTS SESSIONS OTHER MEETINGS MIGHT BE NECESSARY
BEFORE BROAD CONSENSUS EMERGED, HOPEFULLY NO LATER THAN
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JULY 1978; (C) ADOPTION BY 1978 GEN. CONF. OF RESOLUTION,
ATTACHING FINAL TEXT, AND RECOMMENDING MEMBER STATES

SIGN AND RATIFY.

6. AT CLOSE OF MEETING, EDWARDS STATED HIS INTENTION OF INFORMALLY CONSULTING REPS OF OTHER MEMBER STATES, INCLUDING LDC'S IN EFFORT TO ELICIT THEIR REACTION, AND UNDERTOOK TO KEEP US INFORMED AS THSES FURTHER CONSULTATIONS PROGRESSED. WE BELIEVE THIS WILL BE USEFUL (EDWARDS FULLY APPRECIATES NEED TO AVOID GIVING OTHERS THE INCORRECT IMPRESSION THAT THIS IS A SUPPLIERS GROUP EXERICSE).

7. RE UNIVERSALITY OF CONVENTION, TO BEST OF OUR KNOWLEDGE THERE ARE SOME THIRTY STATES NON-MEMBERS OF I.A.E.A. WHILE, AS DEPT POINTS OUT, MOST TRANSITED STATES WOULD PROBABLY NOT POSE SERIOUS PROBLEMS, FACT THAT NEITHER PRC NOR REPUBLIC OF CHINA (A RECEIVING STATE) ARE AGENCY MEMBERS SHOULD BE TAKEN INTO ACCOUNT.
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